

**REMARKS**

Claims 26 to 42 are pending in the current application. Claims 1 to 25 have been canceled without prejudice or disclaimer. Applicants respectfully reserve the right to pursue the subject matter of any canceled claims in one or more continuing applications.

**Rejections Under 35 U.S.C. § 112**

The Office Action sets forth that claims 7, 16, 19 to 21, and 25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement for using the term “unique vowel number.”

Claims 7, 16, 19 to 21, and 25 are canceled. Applicants respectfully submit that claims 26 to 42 do not include the term “unique vowel number.”

The Office Action sets forth that claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the lack of antecedent basis for the term “unique vowel number.”

Claim 7 is canceled. Applicants respectfully submit that claims 26 to 42 do not include the term “unique vowel number.”

**Obviousness Rejections Based on the Rai Patent and the Sprague Patent**

The Office Action sets forth that claims 1, 2, 4 to 9, 12, 13, 15, 16, 22, 24, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,077,080 to Rai (“the Rai patent”) in view of U.S. Patent No. 4,768,959 to Sprague (“the Sprague patent”).

Claims 1, 2, 4 to 9, 12, 13, 15, 16, 22, 24, and 25 are canceled. Applicants respectfully submit that new claims 26 to 42 are patentably distinguishable over the Rai patent and the Sprague patent either alone or in combination.

The Rai patent is directed to an education method. In the method of the Rai patent, vowel sounds are grouped into vowel families. The vowel families are the “a” family, the “e” family, the “i” family, the “o” family, and the “u” family. Each family is assigned its own vowel color to “represent each root color sounding.” The “a” family is assigned the color red, the “e” family is assigned the color yellow, the “i” family is assigned the color green, the “o” family is assigned the color blue, and the “u” family is assigned the color purple. Each family includes a “root color vowel” and “one or more relative sounds.” The relative vowel sounds in each family are assigned a numerical symbol. The numerical symbols repeat in each family such that the numerical symbols are not uniquely employed. The root sounds in each family do not include a symbol. See col. 2, lines 56 to 65 and FIG. 1.

Independent claim 26 is directed to a method of encoding words for language teaching. The method includes identifying a plurality of different vowel sounds each capable of representation in a word by one or more vowel letter representations, each of the one or more vowel letter representations including one or more letter characters; assigning each of the plurality of different vowel sounds a unique vowel sound number such that all of the plurality of different vowel sounds are assigned a unique vowel sound number; assigning a single vowel color to the plurality of different vowel sounds; storing the unique vowel sound numbers and the single vowel color for the plurality of different vowel sounds; identifying a plurality of different consonant sounds each capable of representation in a word by one or more consonant letter representations, each of the one or more consonant letter representations including one or more letter characters; assigning each of the plurality of consonant sounds a consonant color that is different from the single vowel color; storing the consonant color for the plurality of different consonant sounds; identifying one or more silent letters occurring in words; assigning the one or more silent letters a silent letter color that is different from the consonant color and the single vowel color; storing the silent letter color for the one or more silent letters; wherein letter characters of vowel letter representations of words are represented by the single vowel color, each vowel letter representation of words is represented by a unique vowel sound number corresponding to the vowel sound for the vowel letter representation, letter characters of

consonant letter representations of words are represented by the consonant color, and silent letters of words are represented by the silent letter color.

Applicants respectfully submit that the Rai patent fails to disclose or suggest a method of encoding words according to claim 26. For example, the Rai patent does not disclose or suggest assigning each of a plurality of different vowel sounds a unique vowel sound number, as required by claim 26. The Office Action admits that the Rai patent fails to disclose representing each of a plurality of different vowel sounds by a unique vowel sound number. Applicants respectfully submit that the Rai patent does not even teach that “each” vowel sound is represented by a number at all, let alone a unique number. The Rai patent method specifically does not assign a number (or any other symbol) to the root vowel sound in each family. Thus, the Rai patent method clearly does not assign a number to “each” vowel sound.

Applicants also respectfully submit that the Rai patent does not disclose or suggest assigning a single vowel color to the plurality of different vowel sounds, as required by claim 26. The Rai patent method specifically requires the use of multiple colors in order to assist the user in identifying particular vowel sounds. The distinctions between the root colors are a critical part of the Rai patent method. See col. 2, line 66 to col. 4, line 13.

Accordingly, Applicants respectfully submit that claim 26 is patentably distinguishable over the Rai patent.

The Sprague patent is directed to an apparatus and method for teaching and enunciation of language elements using a periodic table of forty-five language elements. The language elements are utilized in phonomat programs that include utilizing the periodic table organization to teach the individual soundings.

Applicants respectfully submit that the Sprague patent fails to disclose a method of encoding words, let alone a method of encoding words according to claim 26. Thus, the Sprague patent fails to cure the deficiencies of the Rai patent. For example, the Sprague patent does not disclose

or suggest assigning a color to vowel sounds, let alone assigning a single vowel color to a plurality of different vowel sounds, as required by claim 26. The Sprague patent does not disclose or suggest assigning any color to any sounds.

Applicants also respectfully submit that the Sprague patent fails to disclose or suggest storing a vowel sound color, storing a consonant color, or storing a silent letter color, each as required by claim 26. Additionally, the Sprague patent does not disclose or suggest letter characters of vowel letter representations of words being represented by a single vowel color, each vowel letter representation of words being represented by a unique vowel sound number corresponding to the vowel sound for the vowel letter representation, letter characters of consonant letter representations of words being represented by the consonant color, and silent letters of words being represented by the silent letter color. In fact, the Sprague patent does not disclose or suggest using its periodic table or the elements thereof for representing any words. The entire disclosure is directed to using the periodic table of sound elements to teach the sound elements themselves separate and apart from the concept of encoding words. Also, the number assignments made in the periodic table of elements in the Sprague patent are not used in the Sprague patent to represent words.

Accordingly, Applicants respectfully submit that claim 26 is patentably distinguishable over the Sprague patent. The Sprague patent fails to cure the deficiencies of the Rai patent. Thus, claim 26 is patentably distinguishable over the Rai patent and the Sprague patent, either alone or in combination.

Claims 27 to 40 depend from claim 26. Thus, claims 27 to 40 are also patentably distinguishable over the Rai patent and the Sprague patent, alone or in combination, for at least the reasons discussed above with respect to claim 26.

New independent claim 41 is directed to a system for teaching a language. The system includes database which stores: a plurality of different vowel sounds each capable of representation in a word by one or more vowel letter representations, each of the one or more vowel letter

representations including one or more letter characters, each of the plurality of different vowel sounds being represented by a unique vowel sound number and the plurality of different vowel sounds being represented by a single vowel sound color; a plurality of different consonant sounds, each of the plurality of different consonant sounds represented by a consonant color that is different from the single vowel sound color; a plurality of different silent letters occurring in words, each of the plurality of different silent letters represented by a silent letter color that is different from the single vowel sound color and the consonant color; and a plurality of different words; a conversion means for converting each of the plurality of words into a converted form comprising any letter characters of vowel letter representations having the single vowel color, any vowel letter representations having a unique vowel sound number corresponding to the vowel sound for the vowel letter representation, any letter characters of consonant letter representations having the consonant color, and any silent letters having the silent letter color; and a display means for displaying a word in converted form, the conversion means being adapted to convert a word input into the system and utilize the display means to display the word in converted form.

Applicants respectfully submit that the Rai patent fails to disclose or suggest a system for teaching a language according to claim 41. For example, the Rai patent does not disclose or suggest each of a plurality of different vowel sounds being represented by a unique vowel sound number and the plurality of different vowel sounds being represented by a single vowel sound color, as required by claim 41. As discussed above with respect to claim 26, the Rai patent does not disclose or suggest a unique vowel sound number or a single vowel sound color. Thus, for at least these reasons, claim 41 is patentably distinguishable over the Rai patent.

The Sprague patent fails to cure the deficiencies of the Rai patent. For example, as discussed above with respect to claim 26, the Sprague patent does not disclose or suggest the use of color for any sound, let alone a single color for all vowel sound representations. Thus, for at least this reason, claim 41 is patentably distinguishable over the Sprague patent.

Accordingly, claim 41 is patentably distinguishable over the Rai patent and the Sprague patent, either alone or in combination.

New independent claim 42 is directed to a computer readable medium including instructions for executing a method of encoding words for language teaching. The instructions include a set of instructions for representing each of a plurality of different vowel sounds by a unique vowel sound number, each of the plurality of different vowel sounds capable of representation in a word by one or more vowel letter representations, each of the one or more vowel letter representations including one or more letter characters; a set of instructions for representing the plurality of different vowel sounds by a single vowel sound color; a set of instructions for representing each of a plurality of different consonant sounds by a consonant color that is different from the single vowel sound color, each of the plurality of different consonant sounds capable of representation in a word by one or more consonant letter representations, each of the one or more consonant letter representations including one or more letter characters; a set of instructions for representing each of one or more silent letters by a silent letter color that is different from the single vowel sound color and the consonant color; a set of instructions for displaying one or more words such that the one or more words comprise any letter characters of vowel letter representations having the single vowel color, any vowel letter representations having a unique vowel sound number corresponding to the vowel sound for the vowel letter representation, any letter characters of consonant letter representations having the consonant color, and any silent letters having the silent letter color.

Applicants respectfully submit that the Rai patent fails to disclose or suggest a computer readable medium according to claim 42. For example, as discussed above, the Rai patent does not disclose or suggest representing each of a plurality of different vowel sounds by a unique vowel sound number or representing the plurality of different vowel sounds by a single vowel sound color. Thus, for at least these reasons, claim 42 is patentably distinguishable over the Rai patent.

The Sprague patent fails to cure the deficiencies of the Rai patent. For example, as discussed above, the Rai patent fails to disclose or suggest the use of color to represent any sound, let alone

representing a plurality of different vowel sounds by a single vowel sound color. Thus, claim 42 is patentably distinguishable over the Sprague patent for at least this reason.

Accordingly, claim 42 is patentably distinguishable over the Rai patent and the Sprague patent, either alone or in combination.

**Obviousness Rejections Based on the Rai Patent, the Sprague Patent, and the Stocker Patent**

The Office Action sets forth that claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rai patent in view of the Sprague patent and further in view of U.S. Patent No. 4,713,008 to Stocker ("the Stocker patent").

Claim 10 is canceled. Applicants respectfully submit that new claims 26 to 42 are patentably distinguishable over the combination of the Rai patent, the Sprague patent, and the Stocker patent.

Claims 26 to 42 are discussed in detail above. Example distinctions of claim 26 to 42 over the Rai patent and the Sprague patent are discussed above. The Stocker patent fails to cure the deficiencies of the Rai patent and the Sprague patent. For example, the Stocker patent does not disclose or suggest assigning to or representing each of a plurality of vowel sounds by a unique vowel sound number or assigning to or representing a plurality of vowel sounds by a single vowel sound color. Thus, claims 26 to 42 are patentably distinguishable over the Stocker patent for at least these reasons.

Accordingly, Applicants respectfully submit that claims 26 to 42 are patentably distinguishable over the Rai patent, the Sprague patent, and the Stocker patent, either alone or in combination.

**Obviousness Rejections Based on the Rai Patent, the Spargue Patent, and the McGinley Patent**

The Office Action sets forth that claims 17, 18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rai patent in view of the Sprague patent and further in view of U.S. Patent No. 4,768,959 to McGinley (“the McGinley patent”).

Claims 17, 18, and 20 are canceled. Applicants respectfully submit that new claims 26 to 42 are patentably distinguishable over the combination of the Rai patent, the Sprague patent, and the McGinley patent.

Claims 26 to 42 are discussed in detail above. Example distinctions of claim 26 to 42 over the Rai patent and the Sprague patent are discussed above. The McGinley patent fails to cure the deficiencies of the Rai patent and the Sprague patent. For example, the McGinley patent does not disclose or suggest assigning to or representing each of a plurality of vowel sounds by a unique vowel sound number or assigning to or representing a plurality of vowel sounds by a single vowel sound color. Thus, claims 26 to 42 are patentably distinguishable over the McGinley patent for at least these reasons.

Accordingly, Applicants respectfully submit that claims 26 to 42 are patentably distinguishable over the Rai patent, the Sprague patent, and the McGinley patent, either alone or in combination.

**Obviousness Rejections Based on the Rai Patent, the Spargue Patent, and the Patton Application**

The Office Action sets forth that claims 19, 21, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rai patent in view of the Sprague patent and further in view of U.S. Patent Application No. 2005/0032027 (“the Patton application”).



Claims 19, 21, and 23 are canceled. Applicants respectfully submit that new claims 26 to 42 are patentably distinguishable over the combination of the Rai patent, the Sprague patent, and the Patton application.

Claims 26 to 42 are discussed in detail above. Example distinctions of claim 26 to 42 over the Rai patent and the Sprague patent are discussed above. The Patton application fails to cure the deficiencies of the Rai patent and the Sprague patent. For example, the Patton application does not disclose or suggest assigning to or representing each of a plurality of vowel sounds by a unique vowel sound number or assigning to or representing a plurality of vowel sounds by a single vowel sound color. Thus, claims 26 to 42 are patentably distinguishable over the Patton application for at least these reasons.

Accordingly, Applicants respectfully submit that claims 26 to 42 are patentably distinguishable over the Rai patent, the Sprague patent, and the Patton application, either alone or in combination.

Applicants submit that all claims are in a condition for allowance and respectfully solicit the prompt issuance of a Notice of Allowance. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

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